CASE

PHILIP MORRIS

INCORPORATED

Law Department—Patent Section

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18 January 1978

John Bass Esq.
Reddie & Grose
16 Theobalds Road
London WC1X 8PL
ENGLAND

RE: German Application Based on USSN 805,689
Your File 21469/PM 764

Dear Mr. Bass:

Art Palmer has requested that I write to you concerning the above-cited case with respect to the publication by the inventors, which appeared in the Journal of Organic Chemistry. The publication date for the paper was 23 July 1976, which was prior to the filing date of our U.S. case.

You will note that Scheme I on page 2659 of the publication coincides with Scheme II on page 10 of the specification. The method for making the compounds as shown in Scheme II (page 10) was not claimed. Claims 13-17 cover the preferred method as shown in Scheme 1 of the specification (see page 8). The claimed method is novel and was not disclosed in the publication.

Claims 18-21 were included to cover certain of the intermediates, some of which are useful in preparing the final 2-alkylnicotinoids. Claim 19 corresponds to compound 6(c) in the publication; and likewise, Claim 21 corresponds to compound 4(b) in the publication. Other of the intermediates are included in general Claim 18. Although the intermediates are important as precursors to the 2-alkylnicotinoids, it is not essential that they be retained in our German case if the publication presents a problem.

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MARLBORO BENSON & HEDGES PARLIAMENT VIRGINIA SLIMS MULTIFILTER LITE BEER MILLER HIGH LIFE BEER

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It is important to point out that the 2-alkylnicotinoids encompassed in Claims 1-12 are not shown or suggested in the publication, and this is the subject matter that we hope to cover by patent in Germany. Of course, we hope to gain patent coverage for the method claims, if possible.

If you require additional information or have further questions regarding this case, please let me know.

Sincerely,

Susan A. Hutcheson
Patent Agent

ceh
cc: T. Osdene
W. Johnson, Jr.
T. Sanders
H. Secor
J. Seeman

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